IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

GENE BREWER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. B-06-064
	§	
INTERNATIONAL CATASTROPHE	§	
INSURANCE MANAGERS, LLC,	§	
NADIR DURRANI and	§	
RANDY THORNTON,	§	
	§	
Defendants.	§	

ORDER & OPINION

BE IT REMEMBERED, that on September 14, 2006, the Court **GRANTED** Defendants' Motion For Reconsideration of Plaintiff's Motion to Exclude the Attendance of Laura Myers From Depositions. Dkt. No. 16.

Upon reconsideration of its prior Order and upon consideration of the representations of counsel for Plaintiff and Defendants, the Court concludes that Laura Myers should be permitted to attend the depositions at issue in this case. First, defense counsel appointed Ms. Myers as Defendant International Catastrophe Insurance Managers, LLC's representative for these depositions. Therefore, Ms. Myers is exempt from exclusion under Federal Rule of Evidence 615. Second, and more importantly, depositions are not subject to Rule 615. *See* FED. R. CIV. P. 30(c) ("Examination and cross-examination of witnesses may proceed as permitted at the trial under the provisions of the Federal Rules of Evidence except Rules 103 and 615."); WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE & PROCEDURE § 2041. Therefore, unless extraordinary circumstances are present in a case, the question of whom may attend a deposition is governed by other rules, such as Federal Rule of Civil Procedure 26(c), and not by Federal Rule of Evidence 615.
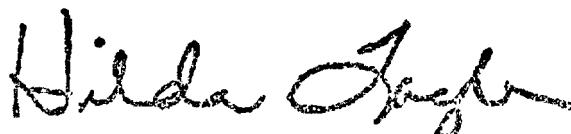
Based on the foregoing, the Court **VACATES** its previous Order, Dkt. No. 15, **GRANTS** Defendant's Motion for Reconsideration of Plaintiff's Motion to Exclude the Attendance of Laura Myers From Depositions, Dkt. No. 16, and **DENIES** Plaintiff's Motion to Exclude the Attendance of Laura Myers From Depositions, Dkt. No. 14.

DONE at Brownsville, Texas, this /4 day of September, 2006.

Hilda G. Tagle
United States District Judge

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